

EXHIBIT 2

CONFIDENTIAL
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORDIS CORPORATION,)
Plaintiff,)

VS.) CASE NO. 03-027-SLR

BOSTON SCIENTIFIC)
CORPORATION, et ano,)
Defendant.)

BOSTON SCIENTIFIC SCIMED,)
INC., and BOSTON SCIENTIFIC)
CORPORATION,)
Plaintiffs,)

VS.) CASE NO. 03-283-SLR

CORDIS CORPORATION and)
JOHNSON & JOHNSON, INC.,)
Defendants.)

BOSTON SCIENTIFIC SCIMED,)
INC., and BOSTON SCIENTIFIC)
CORPORATION,)
Plaintiffs,)

VS.) CASE NO. 03-1138-SLR

CORDIS CORPORATION, JOHNSON &)
JOHNSON, INC., GUIDANT)
CORPORATION, GUIDANT SALES)
CORPORATION, and ADVANCED)
CARDIOVASCULAR SYSTEMS, INC.,)
Defendants.)

ORAL DEPOSITION OF
JULIO PALMAZ, M.D.
December 3, 2004
Volume 1

ORAL DEPOSITION OF JULIO PALMAZ, M.D.,
produced as a witness at the instance of Boston
Scientific Corporation and Boston Scientific Scimed,
Inc., and duly sworn, was taken in the above-styled
and numbered cause on the 3rd of December, 2004, from
9:06 a.m. to 11:04 a.m., before Leigh Anne Williams,
CSR in and for the State of Texas, reported by machine
shorthand, at the law offices of Akin & Gump,
300 Convent Street, Suite 1500, San Antonio, Texas,
pursuant to the Federal Rules of Civil Procedure.

1 resulted in a publication or anything like that.
2 Q. So, you never actually came up with a
3 working version of this stent with a polymer and then
4 Heparin?

5 A. Not that I recall right now. Yeah, right.

6 Q. And with all the experiments you were doing
7 with the stent, a polymer and Heparin, did you always
8 use this benzalkonium chloride method to put the
9 Heparin on?

10 A. I put that as an example. I can't remember
11 if I did anything else. That is what I remember that
12 I did for sure at the time, but I can't remember
13 anything else at that -- right now.

14 MR. ARMENIO: Okay. We've been going
15 about an hour. Why don't we take a short break.

16 VIDEOGRAPHER: Stand by. The time is
17 10:03 a.m. We are off the record. This concludes
18 Tape 1.

19 (Recess.)

20 (Exhibit 7 marked.)

21 VIDEOGRAPHER: Time is 10:11 a.m. We
22 are back on the record. This is the beginning of
23 Tape 2.

24 Q. (By Mr. Armenio) Dr. Palmaz, I'd like to
25 hand you back what we marked as Palmaz Exhibit 5

1 A. I did share this document with a few people.

2 Q. And I believe we have testimony at least
3 Dr. Reuter? Is that right, "R" --

4 A. Reuter.

5 Q. Reuter. Excuse me. Thank you.

6 And Mr. Joseph E. Peters?

7 A. That's correct.

8 Q. Okay. Did you show this document to anybody
9 else in hopes of stimulating a discussion on
10 biologically inert coatings and biocompatibility
11 issues?

12 A. Well, let me think. Again, the time frames
13 may be wrong, but we submitted this document or a
14 similar one to a couple companies, and both of those
15 companies were in the area of vascular devices. So,
16 we did have discussions with them about metal versus
17 polymers, and I may have had exchanges of that sort.

18 Q. And do you remember in particular what
19 companies you had the discussion about metal versus
20 polymers with?

21 A. Let me see. One was Hancock, and I believe
22 there was a company that was, at the time, related to
23 implantable prosthetics in the vascular system and the
24 other one was Shiley, I believe.

25 Q. Okay.

1 earlier today. At the time you wrote this, Doctor,
2 did you have discussions with anyone else about these
3 biologically inert coatings?

4 A. I don't remember that.

5 Q. For example, was there anyone you thought
6 was maybe an expert in polymers and you wanted to give
7 him or her a call and see what they thought?

8 A. I talked to so many people I just -- you
9 know, I can't remember specifically, no.

10 Q. Okay. Do you have any recollection at all
11 of speaking to anybody about biologically inert
12 coatings for use on stents?

13 A. At the time, there was a vast body of
14 literature on vascular materials, and I'm sure that I
15 read quite a few papers in that area and, you know,
16 all regarding biocompatibility, and I -- You know, so,
17 that's probably -- was my reference -- my knowledge
18 source.

19 Q. Okay. I know you've testified before -- I'm
20 not going to ask you to go over it again -- about some
21 people that have -- were shown Palmaz Exhibit 5. My
22 question to you is very particular. Did you send this
23 document, Palmaz Exhibit 5, to anybody so you -- they
24 could look at the biologically inert coating issue you
25 were proposing?

1 A. Yeah.

2 Q. And the first company, was that Hancock?

3 A. I believe so, yes.

4 Q. Is that h-a-n-c-o-c-k?

5 A. Yes.

6 Q. Okay. And then I heard the Shiley Company.
7 Was there another company that you had these
8 discussions over, you know, metal versus polymer?

9 A. I was dealing at the time with another
10 company. It was Cook. And they had made a device or
11 two for me for other areas, but they were
12 implantables, too, and these were made out of plastic.
13 So, we did have some discussions about plastics and
14 plasticizers and untowards effects and things like
15 that with them. So -- and then later on, I asked them
16 whether they would be interested in a metal implant,
17 and they said, no, they were not interested. But at
18 any rate, with that particular company, I did have
19 discussions about plastics as well.

20 Q. Were there any other companies that you had
21 discussions with at that time about metal versus
22 plastic or metal coated with plastic?

23 A. Well, as I said, no, I think most of that
24 information I got from the literature and reading, you
25 know, what was available at the time.

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1 Q. Okay. And the companies that you mentioned
2 where you had the discussions of metal versus plastic,
3 had you provided them your Palmaz Exhibit 5 as a -- to
4 facilitate the discussion?

5 A. That -- I can't remember if it was this one
6 or it was the first one. I really can't remember
7 which one.

8 Q. And by the first one, you're referring to
9 today's Palmaz Exhibit 4. Is that correct?

10 A. That's correct, yes.

11 Q. So, one or the other --

12 A. Yes.

13 Q. -- you would have provided --

14 A. Yes.

15 Q. -- to facilitate the discussion?

16 A. That's correct.

17 MR. HOWARD: And just for the record,
18 there's been extensive testimony in the past as to
19 which one he actually did give them.

20 Q. (By Mr. Armenio) Can you remember any other
21 company or person that you discussed metal versus
22 plastic?

23 A. At what time period?

24 Q. Why don't we go through 1985. Through the
25 end of 1985, did you have any other discussions with

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1 anybody else, a company or a person, regarding metal
2 versus plastic?

3 A. After I moved to Texas, I really had, you
4 know -- Let's put it this way: I was working harder
5 on stents than I had before, and I was spending a lot
6 of time reading. So, the amount of information I was
7 picking up at the time was much larger, and, I mean, I
8 was talking to so many people and reading a lot of
9 stuff, I really can't remember, but I really
10 progressed a lot in the subject between -- since I
11 moved, you know, from California to Texas.

12 Q. Okay.

13 A. So, through '85 -- You know, I just cannot
14 tell you. Just the universe of -- My universe on the
15 stent work increased a lot.

16 Q. Okay. Other than the companies you've
17 mentioned, do you recall sending either Palmaz
18 Exhibit 4 or 5 to anyone during this time up to 1985
19 to facilitate a discussion about metal versus plastic?

20 A. 4 or 5 being these two documents?

21 Q. Yes, sir.

22 A. So -- I'm sorry. Can you repeat the
23 question?

24 Q. Sure.

25 MR. ARMENIO: Could you read it back,

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1 please?

2 (Requested portion was read.)

3 A. I have given either one of these two
4 documents to a few people in the radiology department
5 where I was working in California. I believe there
6 were some people in the vascular surgery area that I
7 had given this document to, copies of this, and there
8 were some people in my own department who I talked to
9 and -- about these subjects, yes.

10 Q. (By Mr. Armenio) When you say in the
11 vascular surgery area, were those people at different
12 hospitals?

13 A. I was working with a few hospitals. I
14 really can't remember exactly that, but they were
15 people that I interacted with at the time.

16 Q. At this point, do you remember any names of
17 anyone you provided the article to, either 4 -- Palmaz
18 Exhibit 4 or 5, to facilitate the discussion of metal
19 versus plastic?

20 A. There was a surgeon in Martinez who was also
21 working at UC Davis named Stanley Carson, and I had
22 provided him with a copy of this -- one of these two
23 documents, and I did have discussions with him about
24 metal versus plastics and what plastics and so forth,
25 and I -- that's -- I probably had shown it to somebody

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1 else in surgery, but I really can't remember exactly
2 to whom --

3 Q. Okay.

4 A. -- at this time.

5 Q. So, other than the gentleman you just named
6 and the companies you named before, can you remember
7 any other person or company that you showed Palmaz
8 Exhibit 4 or 5 to up to the end of 1985 to facilitate
9 a discussion of metal versus plastic for use in
10 stents?

11 A. Well, again, I said when I came -- when I
12 came to Texas, we did talk to a lot of people, and,
13 so, the number of contacts increased after I moved to
14 Texas. I had -- As I said, I had renewed interest in
15 this area. I was doing a lot of animal research at
16 the time, and I did talk to more people, but I
17 can't -- just can't remember how many.

18 Q. Do you recall the time frame when you had
19 your discussion with Dr. Carson about metal versus
20 plastic?

21 A. Yeah. I think it was -- It was early. I
22 can't remember when. I did show Dr. Carson my idea
23 and the possibility of using metal implants in
24 arteries.

25 Q. Was it before or after you moved to